

Planning/Zoning, Land Design & Development Meeting Minutes
Tuesday, September 4, 2007
2:06 P.M.
Third Floor, City Hall

Present: **Chair: CM Owen**

Members: CM Heiner, CM Flood, CM Adams, CM Hamilton, & CM King

Absent: **Vice Chair CM Stuckel (excused)**

Also Present: **CM Downard & CM Henderson**

Chairman Owen announced the members and non-members of the committee that were present. A quorum was established.

Special Items for Discussion: Guidelines for Responding to Constituent Contacts Planning and Zoning Cases ([handout](#))

(This item was not listed on the agenda for discussion, but without objection the committee discussed the handout from the County Attorney's office)

Discussion: CW Owen stated there has been some email discussion in regards to the issue of the Guidelines for Responding to Constituents on Planning and Zoning Case. The County Attorney had prepared these Guidelines and highlighted for the committee. The following were items of discussion and concern:

- Appropriate review process by the Council Members on Planning/Zoning Cases
- Limitations
- Case Law and the role of the Legislative Body

AGENDA

[O-205-08-07 AN ORDINANCE CLOSING A PARTIALLY UNIMPROVED, UNNAMED ALLEY LOCATED ON THE EAST SIDE OF 12TH STREET, 198 FEET SOUTH OF KENTUCKY STREET, BETWEEN KENTUCKY AND ZANE STREETS, CONTAINING 6,345 SQUARE FEET AND BEING IN LOUISVILLE METRO \(DOCKET NO. 1-02-07\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Jim King and seconded by Cheri Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on August 2, 2007. One person spoke in favor and no one spoke in opposition, as well as neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Unseld's District. The proposal is for the closure of an alley. A power point presentation was given. The following were items of discussion and concern:

- Ownership of property on both sides
- Access management
- Curb cuts
- Property part of the Urban Renewal Plan
- Recommendation of approval with three conditions
- Legal effect of closing the alley
- Maintenance of easements

The Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 2; Abstain: 0; Absent: 1

For: Hal Heiner, Julie Raque Adams, Tom Owen, Madonna Flood
Against: Jim King, Cheri Bryant Hamilton
Abstain: (None)
Absent: Glen Stuckel

O-207-08-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R-5A MULTI FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 11601 BALLARDSVILLE ROAD, CONTAINING 20.92 TOTAL ACRES, OF WHICH 4.99 ARE UNDER THE JURISDICTION OF LOUISVILLE METRO (DOCKET NO. 9-68-06).

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Cheri Bryant Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on August 2, 2007. Two people spoke in favor and no one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Downard's District. The proposed use is for Condominiums. A power point presentation was given. The following were items of discussion and concern:

- Item has been through Oldham County's review process
- Sewers
- Adjacent to cemetery property
- Entrance in Oldham County

CM Downard stated he is in support of the approval (since the item is within CM Downard's District, he has voting rights to it). He requested to be recorded as a Yes vote.

The Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams, Madonna Flood, Kelly Downard
Against: (None)
Abstain: (None)
Absent: Glen Stuckel

O-208-08-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL, PEC PLANNED EMPLOYMENT CENTER, AND R-6 MULTI FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 13701, 13715, 13719, 13721, 13723, 13727, 13731, AND 13801 OLD HENRY TRAIL, CONTAINING 77.52 ACRES, AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN WORKPLACE FOR AN 8.2-ACRE PORTION OF THE PROPERTY LOCATED TO THE WEST OF BUSH FARM ROAD, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-1-07).

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on July 19, 2007. Seven people spoke in favor and twelve people spoke in opposition, five people spoke as neither for nor against. The Commission approved the requests and made recommendation for approval by the

Metro Council. This is in CM Heiner's District. The proposed use is for restaurants/hotels/offices/office – warehouse/multi-family residential. A power point presentation was given. The following were items of discussion and concern:

- Transportation improvements
- Uses in PEC District
- Old Henry sub area plan
- Apartments
- Office warehouse
 - Size
 - Maximum building size
 - Exterior
 - Landscaping and buffering
- Multi-Family
 - Limitations
 - Utility easements

Areas of concern were raised and the County Attorney would have a meeting with the applicant and interested parties. The outcome of this meeting would be reported to the committee at its next regular meeting.

Motion made to Table made by Hal Heiner and seconded by Cheri Bryant Hamilton. By unanimous vote, the item was **TABLED IN COMMITTEE**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Glen Stuckel

[O-210-08-07 AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 5816 PRESTON HIGHWAY, CONTAINING 0.38 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8724\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Julie Raque Adams and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on August 2, 2007. Three people spoke in favor and no one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CW Shanklin's District. The proposed use is for Commercial. A power point presentation was given. The following were items of discussion and concern:

- Use of the same sign
- No exterior changes
- Transition zone
- Easement granted for sidewalk along Preston Highway
- Fence installation without destroying the landscaping
- Inconsistent staff report and minutes
 - County Attorney will check with the applicant

Motion to Amend Binding Element #3 to re-insert and include streamers was made by Madonna Flood and seconded by Julie Raque Adams. Without objection, the amendment was approved.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: Glen Stuckel

The following details the amendment.

AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 5816 PRESTON HIGHWAY, CONTAINING 0.38 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 8724)(AS AMENDED).

Sponsored by: Councilman Tom Owen

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 8724; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 8724 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, with the amendment to the binding elements set forth below;

Now therefore be it ordained by the Legislative Council of the Louisville/Jefferson County Metro Government as follows:

SECTION I: THAT THE PROPERTY LOCATED AT 5816 PRESTON HIGHWAY, CONTAINING 0.38 OF WHICH ARE UNDER THE JURISDICTION OF LOUISVILLE METRO, MORE PARTICULARLY DESCRIBED IN THE MINUTES AND RECORDS OF THE PLANNING COMMISSION IN CASE NO. 8724 IS HEREBY CHANGED FROM C-1 COMMERCIAL TO C-2 COMMERCIAL, PROVIDED, HOWEVER, SAID PROPERTY SHALL BE SUBJECT TO THE BINDING ELEMENTS AS SET FORTH IN THE MINUTES OF THE PLANNING COMMISSION IN CASE NO. 8724, WITH THE FOLLOWING AMENDMENT TO THE BINDING ELEMENTS:

3. EXCEPT AS PERMITTED BY THE LAND DEVELOPMENT CODE FOR GRAND OPENINGS AND MARKETING FOR SALE OR LEASE, NO OUTDOOR ADVERTISING SIGNS, SMALL FREESTANDING SIGNS, PENNANTS, STREAMERS, BALLOONS, OR BANNERS SHALL BE PERMITTED ON THE SITE.

Section II: This Ordinance shall take effect upon passage and approval.

The Ordinance was sent to **Old Business As Amended.**

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: Glen Stuckel

[O-191-08-07 AN ORDINANCE AMENDING CHAPTER 2, PART 8 OF THE LAND DEVELOPMENT CODE PERTAINING TO THE PLANNED DEVELOPMENT DISTRICT \(CASE NO. 8945\).](#)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Julie Raque Adams and seconded by Hal Heiner

Discussion: Dawn Warrick and Chris French, DPDS, spoke to the item. There was not a PowerPoint presentation. An informational handout was distributed to committee members representing the most recent changes [\(attached\)](#).

The following were items of discussion and concern:

- Creating own zoning district
- Neighbors involved
- Signage compliance with Chapter 8
- Buffers
- To fit appropriately, may have to have a mix of zoning
- Modify minimum sizes, to allow a broader range
- Removed permitted use table
 - Looking for applicant to create their own
 - Reflect balanced uses
- Exempts M3
 - Change does not exempt them from footprint caps or perimeter buffers
- A lot of front end work required by developer
- Having to conduct a charette
- Design with input and report back
- Enforcement issues

The committee requested the Planning and Design Staff to meet with the enforcers and report back to the next regular committee meeting.

Motion to Table made by Julie Raque Adams and seconded by Madonna Flood; without objection the item was **TABLED IN COMMITTEE**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: Glen Stuckel

[O-194-08-07 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE HURSTBOURNE TRANSPORTATION STUDY AND SMALL AREA PLAN \(CASE NOS. 9196 AND 9197\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Julie Raque Adams

This item **REMAINED HELD IN COMMITTEE.**

[O-150-06-07 \(S\) AN ORDINANCE RE-ENACTING AND AMENDING CHAPTER 162 OF THE LOUISVILLE METRO CODE OF ORDINANCES \(LMCO\) RELATING TO OVERLAY DISTRICTS.](#)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor:
Kelly Downard
Rick Blackwell

This item **REMAINED HELD IN COMMITTEE.**

[O-86-04-07 \(S\) AN ORDINANCE AMENDING AND REENACTING CHAPTER 159 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO EROSION CONTROL](#)

Status: In Committee - Tabled
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor:
Kelly Downard
Rick Blackwell

This item **REMAINED TABLED IN COMMITTEE.**

Motion to Adjourn was made by Tom Owen. Without objection, the meeting adjourned.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on September 13, 2007.**

The meeting adjourned at 4:00 p.m. without objection.
KLP